



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## NOTES OF CASES.

**Continuances—Refusal after Attempt to Lynch Accused.**—In *Fountain v. State*, 107 Atl. 554, 5 A. L. R. 908, the Court of Appeals of Maryland held that it was reversible error to refuse to adjourn or postpone the trial of one accused of crime, where a mob attempted to lynch him when he was passing from the court room to the jail, from which he escaped by flight, and was brought back under heavy guard.

The court said: "While we should be entirely satisfied to rest our decision simply upon the elementary rule of right and justice which the appellant has invoked, there are adjudications in other states which fully support the conclusion we have reached. *State v. Weldon*, 91 S. E. 29, 74 S. E. 43, 39 L. R. A. (N. S.) 667, Ann. Cas. 1913E, 801; *Massey v. State*, 31 Tex. Cr. R. 371, 20 S. W. 758; *Frederickson v. State*, 44 Tex. Cr. R. 288, 70 S. W. 754; *Collier v. State*, 115 Ga. 803, 42 S. E. 226; *State v. Wilcox*, 131 N. C. 707, 42 S. E. 536; *People v. Fleming*, 166 Cal. 357, 136 Pac. 291, Ann. Cas. 1915B, 881; *State v. Manns*, 48 W. Va. 480, 37 S. E. 613; *Capps v. State*, 109 Ark. 193, 159 S. W. 193, 46 L. R. A. (N. S.) 741, Ann. Cas. 1915C, 957; *Sanders v. State*, 85 Ind. 318, 44 Am. Rep. 29."

**Life Insurance—Death in Common Disaster—Right to Proceeds.**—In *Watkins v. Home Life & Accident Ins. Co.*, 208 S. W. 587, the Supreme Court of Arkansas held that under a policy providing that if the beneficiary should die before the insured the interest of the beneficiary should vest in insured, the beneficiary had a qualified interest, and where both perished in a common disaster, and there was no proof as to which one died first, insurance was payable to representatives of beneficiary.

The court said in part: "It is well settled at common law that when two or more persons perish in the same disaster, and there is no fact or circumstance tending to prove which survived the other, there is no presumption whatever on the subject. The law treats the case as one to be established by evidence, and, in the absence of proof tending to show which one died first, all will be considered to have perished at the same moment, not because that fact is presumed, but because from failure to prove it the actual survivorship is unascertainable, and property rights must be settled as if death occurred to all at the same time. 8 R. C. L. p. 716; *Young Women's Christian Home v. French*, 187 U. S. 401, 47 L. ed. 233, 23 Sup. Ct. Rep. 184; 1 Greenl. Ev. 16th ed. § 30, p. 126; *Lawson, Presumptive Ev.* p. 298; *United States Casualty Co. v. Kacer*, 169 Mo. 301, 58 L. R. A. 436, 69 S. W. 370, 92 Am. St. Rep. 641; *Re Wil-*